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Attorney General Beau Biden Acts to Secure Reduced Greenhouse Gas Emissions

Wilmington, DE – On Wednesday, April 2, Attorney General Beau Biden joined a federal lawsuit seeking a court order requiring the Environmental Protection Agency (EPA) to decide whether it will regulate motor vehicle greenhouse gas emissions under the federal Clean Air Act. The lawsuit is a response to the EPA's failure to abide by a 2007 landmark ruling by the United States Supreme Court in which the Court determined that the EPA has the authority to regulate greenhouse gases under the Clean Air Act. That ruling, in the case *Massachusetts v. EPA*, directed that the EPA make a decision based on scientific evidence whether greenhouse gas emissions contribute to air pollution and endanger public health. One year later, the EPA still has not issued that decision.

"The EPA has already determined that greenhouse gas emissions pose significant risks. Its failure to act on that evidence places the health of Delawareans and our environment in jeopardy," said Attorney General Joseph R. Biden, III. "We are taking this action because we cannot accept a further delay in facing head-on these significant threats to public health."

According to the suit filed Wednesday, the EPA made clear in 2007 its belief that greenhouse gases were a danger to public health or welfare. Under the Clean Air Act, once the EPA reaches that conclusion, it must issue an endangerment determination and act to regulate greenhouse gas emissions. The agency repeatedly promised that it would respond to the Supreme Court's ruling by drafting motor vehicle emissions standards by the end of 2007. This lawsuit was filed in response to the EPA's refusal to formally issue that determination and to develop policy pursuant to it.

In the *Massachusetts* case, the Supreme Court declared that the EPA could not refuse to regulate greenhouse gases based on the agency's policy preferences. The EPA, however, has declined to issue an endangerment determination, and last week said that it would delay responding to the Supreme Court's ruling until after it conducts a lengthy public comment period to examine policy issues raised by regulating greenhouse gases under the Clean Air Act.

Delaware is one of 18 states, along with the Corporation Counsel for the City of New York, the City Solicitor of Baltimore, and 13 environmental advocacy groups to join the suit. Wednesday's filing in the U.S. Court of Appeals for the District of Columbia is known as a *Petition for Mandamus* and it requests that the court order the EPA to act within 60 days.

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